

FOR THE UNITED STATES DISTRICT COURT  
FOR THE BOSTON DISTRICT OF MASSACHUSETTS

FILED  
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David L. GUIDRY  
Plaintiff  
Pro-Se

vs

United States of America

Case No.

04-40154

U.S. DISTRICT COURT  
DISTRICT OF MASS

**MOTION TO DISMISS THE WARRANT  
FOR ARREST AND THE INDICTMENT  
AND FOR LAWFUL RELEASE**

To the Honorable United States Federal District Court Judge  
for the Boston District of Massachusetts, Boston Division.

ATTN: United States Attorney General

ATTN: Defense Counsel of Court records

NOW COMES David L. GUIDRY, Prison Number 85957-001<sup>011</sup>, who is  
the Plaintiff in the above entitled cause and movant herein, who,  
himself pro-se, respectfully moves the Court to dismiss the warrant  
for arrest and the bill of indictment, with prejudice, for the  
reasons set forth herein.

1. The Magistrate and Grand Jury failed to state their  
reason for stating the offense in the warrant for arrest and bill  
of indictment the way they did so the Court, Defense Attorney, and  
Plaintiff would know if the warrant and indictment were legal and  
valid, and legally vested the Court with legal jurisdiction of  
the case and person of the Plaintiff, with legal proof thereof  
presented to the Court, Defense Attorney, and Plaintiff, with the  
warrant for arrest and bill of indictment.

2. The Magistrate and Grand Jury failed to allow the

Plaintiff to reply to, and make corrections in, inaccurate and offensive statements, testimony, etc., prior to the Grand Jury and Magistrate stating the offense on the warrant for arrest and bill of indictment.

3. The Magistrate and Grand Jury failed to allow Plaintiff to present evidence and witnesses and a statement by Plaintiff prior to stating the offense in the arrest warrant and the bill of indictment.

4. The Magistrate and Grand Jury failed to allow Plaintiff to represent himself, or be represented by counsel, before them, prior to them stating the offense on the arrest warrant and bill of indictment.

5. The Magistrate and Grand Jury stated the offense in the warrant for arrest and bill of indictment based on information, etc., by persons who had not been advised of their rights and privileges, nor of the Plaintiff.


6. The Magistrate and Grand Jury had insufficient or no legal evidence, etc, to state and prove the offense as stated on the warrant for arrest and bill of indictment, nor to vest the Court with legal jurisdiction of the case nor of the Plaintiff.

7. The Court, Prosecutor and Defense Counsel failed to review and inspect, themselves, the records, etc., of the Magistrate and Grand Jury, as would have or may apply to the foregoing herein.

8. Convictions must be based on valid warrants, information or indictments, in order to be legal and valid.

9. Sentenced must be based on legal and valid convictions.

Respectfully presented on this, the 7 day of ~~May~~<sup>8</sup>, 2004.



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